

EFFECTIVE DATE	NEBRASKA HEALTH AND HUMAN SERVICES	
JULY 22, 2001	REGULATION AND LICENSURE	180 NAC 18
TITLE 180	CONTROL OF RADIATION	

18-001	Scope and Authority .....	1
18-002	Definitions .....	1
18-003	Exemptions .....	1
18-004	Payment of Fees.....	2
18-008	Schedule for Annual Fees for Certificates of Registration for Radiation Generating Equipment and Services and Licenses to Practice Medical Radiography ...	4
18-012	Failure to Pay Prescribed Fees .....	4

Appendix 18-A Routine Inspection Intervals for Determination of the Machine Fee, the Routine Inspection Frequency for Radiation Generatring Equipment and the Assigned Priority .....	5
Appendix 18-B Example of Fee Calculation .....	6

**Excerpts From 180 NAC 18 for Veterinary Facilities**

EFFECTIVE DATE

JULY 22, 2001

NEBRASKA HEALTH AND HUMAN SERVICES

REGULATION AND LICENSURE

180 NAC 18

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## **Excerpts From 180 NAC 18 for Veterinary Facilities**

EFFECTIVE DATE            NEBRASKA HEALTH AND HUMAN SERVICES  
JULY 22, 2001                            REGULATION AND LICENSURE            180 NAC 18

TITLE 180            CONTROL OF RADIATION

CHAPTER 18            FEES FOR CERTIFICATES OF REGISTRATION, RADIOACTIVE  
MATERIAL(S) LICENSES, ENVIRONMENTAL SURVEILLANCE,  
EMERGENCY RESPONSE AND OTHER REGULATORY SERVICES

### 18-001 SCOPE AND AUTHORITY:

18-001.01 This chapter establishes the fees for licensing, registration, environmental surveillance and implementation, emergency planning, emergency response and implementation, and other regulatory services and provide for their payment. The regulations are authorized by and implement the Nebraska Radiation Control Act, Neb. Stat. Rev. sections 71-3501 to 3519.

18-001.02 Except as otherwise specifically provided, the rules and requirements in this chapter apply to any person who is

1. An applicant for, or holder of:
  - a. A radioactive material license issued pursuant to 180 NAC 3, 5, 7, 11, 12, or 16; or
  - b. A certificate of registration for radiation machines/facilities and/or services issued pursuant to 180 NAC 2 or 5.
2. The holder of a fixed nuclear facility construction permit or operating license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 CFR Part 50; or
3. The operator of any other fixed nuclear facility under a license issued by the U.S. Nuclear Regulatory Commission Pursuant to 10 CFR Parts 30, 31, 32, 33, 34, 35, 40 and/or 70.
4. The operator of any other nuclear facility.
5. The operator of any facility that during the course of operation results in the release of radioactive material to the environment.

18-002 DEFINITIONS: For the purposes of 180 NAC 18, the following definitions apply:

Facility means any facility other than that defined in this subsection.

### 18-003 EXEMPTIONS

18-003.01 No application or annual fee shall be required for any common carrier, contract carrier, private carrier, railway freight carrier, or railway express carrier handling, storing or transporting any of the materials described in the Radiation Control Act in the ordinary course of such carrier's business.

## **Excerpts From 180 NAC 18 for Veterinary Facilities**

EFFECTIVE DATE                      NEBRASKA HEALTH AND HUMAN SERVICES

JULY 22, 2001

REGULATION AND LICENSURE

180 NAC 18

18-003.02 No fee shall be required for the Department of Health and Human Services Regulation and Licensure.

### 18-004 PAYMENT OF FEES

18-004.01 Application fees: Each application for a license or certificate of registration for which a fee is prescribed shall be accompanied by a non-refundable fee equal to the appropriate annual fee, except as otherwise specified in 180 NAC 18 or that an application for a license covering more than one fee category shall be accompanied by the prescribed fee for the highest fee category.

1. An application for a certificate of registration shall be accompanied by the base fee and the total fee for all applicable categories.
2. No application will be accepted for filing or processing prior to full fee payment, as specified, and the application will be returned to the applicant.
3. All application fees will be charged irrespective of the Agency's disposition of the application or a withdrawal of the application.

### 18-004.02 Annual Fees for Licenses, and Certificates of Registration

1. A non-refundable fee, pursuant to 180 NAC 18-005, 18-006, 18-007 or 18-008 shall be paid annually for each radioactive material license and for each certificate of registration or radioactive material certificate of registration, which ever is applicable, is required.
  - a. The fee shall be paid in full each year on or before the last day of the expiration anniversary month of the license or certificate of registration.<sup>1</sup>
3. A non-refundable fee, pursuant to 180 NAC 18-005 or 18-008, shall be paid annually for each radioactive material license and/or certificate of registration, which ever is applicable, for radiation services and/or servicing.
  - a. The fee shall be paid in full each year on or before the last day of the expiration (anniversary) month of the certificate of registration.<sup>2</sup>
    - (1) In the case of a single registration which authorizes more than one category of use, the applicable fee for each category shall be paid.
4. A non-refundable fee, pursuant to 180 NAC 18-008, shall be paid annually for each certificate of registration for radiation machines.

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<sup>1</sup>Example: If the license or certificate of registration expires on June 30, 1992, annual fees are due on or before June 30, of each year.

<sup>2</sup>Ibid. p. 18-3

## Excerpts From 180 NAC 18 for Veterinary Facilities

EFFECTIVE DATE                      NEBRASKA HEALTH AND HUMAN SERVICES  
JULY 22, 2001                                      REGULATION AND LICENSURE                      180 NAC 18

- a. The fee consists of a base fee for all registrants plus a fee for each machine possessed.
- b. The machine fee is modified by the inspection interval (years between routine inspections) of the facility category as specified in Appendix 18-A. The formula for calculation is as follows:

$$\text{Annual Fee} = \frac{\text{Base Fee} + (\text{Sum of Machine and/or Service Fees})}{\text{Inspection Interval(s)}}^3$$

5. An application for an amendment to a license or certificate of registration which results in a change to a category with a higher fee shall result in a fee being charged equal to the prorated difference between the fee for the current category and the one to which the amended license or certificate will escalate.
  - a. The prorated costs shall be based on monthly intervals and will be charged from the first day of the month the amendment is effective until the end of the current billing period.<sup>4</sup>
  - b. The agency will bill the licensee or registrant.
  - c. The replacement of part(s) for an existing radiation machine will not result in an additional fee.

### 18-004.03 Reciprocity Fees

2. Each application for recognition of an out-of-state registration under 180 NAC 2-012 shall be accompanied by the applicable annual fee, provided that no such fee has been submitted within 12 months of the date of commencement of the proposed activity.

### 18-004.06 Method of Payment

1. Fee payments shall be by check or money order made payable to the Department of Health and Human Services Regulation and Licensure.
2. The payments may be made by personal delivery to the office, State of Nebraska Department of Health and Human Services Regulation and Licensure in Lincoln, Nebraska, or mailed to the, Department of Health and Human Services Regulation and Licensure, 301 Centennial Mall South, P.O. Box 95007, Lincoln, Nebraska 68509.

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<sup>3</sup>An example of a fee calculation is shown in Appendix 18-B.

<sup>4</sup>Example: If a waste processing license amendment to change the licensee's classification from Class A to Class B becomes effective July 1, 1985, and the expiration month of the license is December, the licensee will be billed.



**Excerpts From 180 NAC 18 for Veterinary Facilities**EFFECTIVE DATE  
JULY 22, 2001NEBRASKA HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE

180 NAC 18

## APPENDIX 18-A

Routine Inspection Intervals For Determination of the Machine Fee, the Routine Inspection Frequency For Radiation Generating Equipment and the Assigned Priority.

	Column 1	Column 2	Column 3
<u>Facility/Type</u>	<u>Priority</u> <sup>5</sup>	Inspection Interval In Years For Fee <u>Determination</u> <sup>6</sup>	Inspection Interval In Years For Radiation <u>Machine</u> <sup>7</sup>
Dental	IV	4	4
Colleges & Schools	I or II	2	1-2
Regional Center	II or III	2	2-3
Miscellaneous	I, II or III	2	1-3

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<sup>5</sup>The priority in Column 1 is determined on the basis of facility size, number of patients, number of tubes and personnel. The priority number assigned would coincide with the inspection frequency and may be adjusted in accordance with inspection findings.

<sup>6</sup>The inspection interval in years in Column 2 for fee determination is only used to establish the annual fee that is due. This interval is used in the formula specified in 180 NAC 18-004.02, item 4.b. and is shown in the example of a fee calculation in Appendix 18-B.

<sup>7</sup>The inspection interval in years in Column 3 for radiation machines establishes when the routine inspection frequency is expected. For example, a hospital has a 1-2 year frequency which means that inspections routinely would be conducted within that time frame. However, more frequent inspections may be made if and when conditions and situations warrant the accelerated inspection frequency.

**Excerpts From 180 NAC 18 for Veterinary Facilities**

EFFECTIVE DATE  
JULY 22, 2001

NEBRASKA HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE

180 NAC 18

Appendix 18-B

Example of Fee Calculation.

The Annual Fee For Each Certificate of Registration is Calculated Using the Following Formula:

$$\text{Annual Fee} = \text{Base Fee} + \frac{\text{Sum of machines and/or Service fees}}{\text{Inspection Interval}}$$

The Inspection Interval for the Fee determination is Specified in Column 2 in Appendix 18-A.

Example:

1. There are three machines located in a clinic.
  - 1 dental diagnostic x-ray unit
  - 1 diagnostic x-ray unit (radio/fluoro combination)
  - 1 medical diagnostic x-ray unit

The fee would be calculated as follows:

$$\$25 + \frac{(1 \times \$20)}{4} + \frac{(1 \times \$70)}{2} + \frac{(1 \times \$70)}{2} =$$

$$\$25 + \frac{\$20}{4} + \frac{\$140}{2} =$$

$$\$25 + \$5 + \$70 = \$100$$

The annual fee = \$100

2. There are four machines located in a dental office.
  - 4 dental diagnostic x-ray units

The fee would be calculated as follows:

$$25 + \frac{(4 \times \$20)}{4} =$$

$$\$25 + \frac{\$80}{4} =$$

$$\$25 + \$20 = \$45$$

The annual fee = \$45



**Excerpts From 180 NAC 18 for Veterinary Facilities**

EFFECTIVE DATE

JULY 22, 2001

NEBRASKA HEALTH AND HUMAN SERVICES

REGULATION AND LICENSURE

Appendix 18-B

180 NAC 18

3. There is one machine located in a dental office.

1 dental diagnostic x-ray unit

The fee would be calculated as follows:

$$\$25 + \frac{(1 \times \$20)}{4} =$$

$$\$25 + \frac{\$20}{4} =$$

$$\$25 + \$5 = \$30$$

The annual fee = \$30